

UNITED STATES COURT OF APPEALS

FOR THE

NINTH CIRCUIT

CAPAY, INC. dba FARM FRESH	)	
TO YOU,	)	
	)	<b>PETITION FOR</b>
Petitioner,	)	<b>REVIEW</b>
	)	
v.	)	
	)	
NATIONAL LABOR	)	
RELATIONS BOARD,	)	
	)	
Respondent	)	

CAPAY, INC. dba FARM FRESH TO YOU (“Capay”) hereby petitions the court for review of the Decision and Order of the NATIONAL LABOR RELATIONS BOARD (“Board”) issued on March 4, 2016 finding that Capay, Inc. engaged in unfair labor practices by violating Section 8(a)(5) and (1) by refusing to bargain with Bakery, Confectionary, Tobacco Workers and Grain Millers International Union, Local 85 (“Union”) as the exclusive collective-bargaining representative of the employees in the bargaining unit. Capay engaged in a technical refusal to bargain in order to obtain judicial review of the Board’s certification of the Union as the exclusive collective bargaining representative of employees. Capay

respectfully requests that the Court set aside the Board's Decision and Order and remand the matter to the Board for a hearing on Capay's objections to the representative election.

Date: March 14, 2016



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### PROOF OF SERVICE

I am employed in the City and County of Sacramento, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2277 Fair Oaks Boulevard, Suite 455, Sacramento, CA 95825.

On Monday, March 14, 2016, the following document(s):

**CAPAY, INC. dba FARM FRESH TO YOU'S  
PETITION FOR REVIEW**

were served on all parties in this action addressed as follows:

Jerry Gil  
Bakery, Confectionary, Tobacco  
Workers &  
Grain Millers, Local Union 85  
7125 Governors Circle  
Sacramento, CA 95823-2516

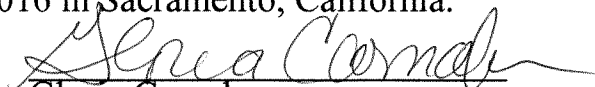
David Rosenfeld, Esq.  
Weinberg, Roger & Rosenfeld  
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Alameda, CA 94501-1091

Service was accomplished by:

☒ **MAIL** – I am readily familiar with the firm's practice of collection and processing documents and correspondence for mailing. Under that practice, the envelope would be deposited with the U.S. Postal Service on today's date with postage thereon fully prepaid at Sacramento, California in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 14, 2016 in Sacramento, California.

  
Gloria Carnahan